

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Joel and Sharon Landreth,	§	
<i>Plaintiffs,</i>	§	
	§	
and	§	
	§	
State Farm Lloyds Insurance Company as	§	
Subrogee of Joel and Sharon Landreth,	§	Civil Action No. 4:14-cv-00339-Y
<i>Intervenor,</i>	§	
v.	§	
	§	
Dormont Manufacturing Company, Sears	§	
Holding Corporation, Inc. and Sears	§	
Authorized Retail Dealer Azle,	§	
<i>Defendants.</i>	§	

DEFENDANT EXEL INC.'S RULE 26(A) INITIAL DISCLOSURES

TO: Plaintiff Joel and Sharon Landreth, by and through their attorneys of record, Jim R. Ross and Rustin D. Brunson, Jim Ross & Associates,, P.C., 2301 E. Lamar Blvd., Ste. 175, Arlington, Texas 76006.

Intervenor State Farm Lloyd Insurance Company as Subrogee of Joel and Sharon Landreth, by and through its attorneys of record, Patrick W. Whitaker and N. Scott Carpenter, Carpenter & Schumacher, P.C., Parkway Centre Iv, 2701 North Dallas Parkway, Suite 570, Plano, Texas 75093.

Defendant Dormont Manufacturing Company, by and through its attorney of record, H. Brook Laskey, McCoy Leavitt Laskey LLC, 1805 Rio Grande Blvd. NW, Suite 2, Albuquerque, New Mexico 87104.

Defendant Sears, Roebuck & Co. incorrectly named Sears Holding Corporation, Inc. and Sears Authorized Retail Dealer Azle, Barry A. Moscovitz and Rachel Chong Walters, Thompson, Coe, Cousins & Irons, LLP, Plaza of the Americas, 700 N. Pearl Street, 25th Floor, Dallas, Texas 75201.

Pursuant to Federal Rule of Civil Procedure 26(a), Defendant Exel Inc. makes the following initial disclosures.

Respectfully submitted,

/s/ Bill Venegoni

JAMES D. STANTON

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BILL VENEGONI

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THE LAW OFFICES OF JAMES STANTON, LLP

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3811 Turtle Creek Boulevard

Dallas, Texas 75219

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ATTORNEYS FOR EXEL INC.

CERTIFICATE OF SERVICE

I certify that on the 14th day of October, 2014, a true and correct copy of the foregoing document has been served on all counsel of record as follows:

- ☐ Facsimile
- ☐ Certified mail, return receipt requested
- ☐ Regular Mail
- ☐ Hand Delivery
- ☒ e-mail via the Court's electronic case filing and notification CM/ECF system
- ☐ Other: _____

/s/ Bill Venegoni

JAMES D. STANTON

BILL VENEGONI

RULE 26(a) INITIAL DISCLOSURES

Rule 26(a)(1)(A)(i): the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See the following:

Joel Landreth
c/o
Jim R. Ross
Rustin D. Brunson
Jim Ross & Associates, P.C.
2301 E. Lamar Blvd., Ste. 175
Arlington, Texas 76006
Phone: (817) 275-4100

Plaintiff. Plaintiff may have knowledge of causation of the incident and damages.

Sharon Landreth
c/o
Jim R. Ross
Rustin D. Brunson
Jim Ross & Associates, P.C.
2301 E. Lamar Blvd., Ste. 175
Arlington, Texas 76006
Phone: (817) 275-4100

Plaintiff. Plaintiff may have knowledge of causation of the incident and damages.

State Farm Lloyds Insurance Company as Subrogee of Joel and Sharon Landreth
c/o
Patrick W. Whitaker (Lead Attorney)
N. Scott Carpenter
Carpenter & Schumacher, P.C.
Parkway Centre Iv
2701 North Dallas Parkway, Suite 570
Plano, Texas 75093
Phone: (972) 403-1133

Intervenor. Intervenor may have knowledge of the damages.

Dormont Manufacturing Company
c/o
H. Brook Laskey
McCoy Leavitt Laskey, LLC
1805 Rio Grande Blvd. NW, Suite 2
Albuquerque, New Mexico 87104

Phone: (505) 246-0455

Defendant. Defendant may have knowledge of the causation of the incident.

Dormont Manufacturing Company
c/o
John S. Jose
Slack & Davis, L.L.P.
100 Lexington Street, Suite 070
Fort Worth, Texas 76102
Phone: (817) 288-8999

Defendant. Defendant may have knowledge of the causation of the incident.

Sears, Roebuck & Co.
c/o
Barry A. Moscovitz
Rachael Chong Walters
Thompson, Coe, Cousins & Irons, LLP
Plaza of the Americas
700 N. Pearl Street, 25th Floor
Dallas, Texas 75201
Phone: (214) 871-8200

Defendant. Defendant may have knowledge of the causation of the incident.

Exel Inc.
c/o
James Stanton
Bill Venegoni
Law Offices of James Stanton, LLP
3811 Turtle Creek Blvd., Suite 770
Dallas, Texas 75219
Phone: (214) 559-3232

Eric Vinson, Fire Chief
Springtown Texas Fire Department
215 Goshen Road
Springfield, Texas 76082
Phone (817) 523-7598

Responding Fire Department's Chief. Fire Chief Vinson may have knowledge of the occurrence.

Rule 26(a)(1)(A)(ii): A copy of, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE: None at this time.

Rule 26(a)(1)(A)(iii): A computation of any category of damages claimed by the disclosing party, who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE: Not applicable to Defendant.

Rule 26(a)(1)(A)(iv): for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: See the following:

Exel Inc. Insurance Declarations

Exhibit No. 1 (EXEL 000001 - 000003)

EXHIBIT 1

Policy No. GL 294-69-82
Renewal of No. 2946931

CG DS 01 10 01

CHARTIS

Coverage is provided by

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

(a capital stock company)

175 Water Street, New York, NY 10038
(212) 458-5000

COMMERCIAL GENERAL LIABILITY DECLARATIONS

NAMED INSURED & MAILING ADDRESS

EXEL INC.
570 POLARIS PARKWAY DEPT 220
WESTERVILLE, OH 43082

PRODUCER'S NAME & MAILING ADDRESS

AON RISK SERVICES CENTRAL INC
200 E RANDOLPH ST
CHICAGO, IL 60601

POLICY PERIOD: From 05/01/2012 to 05/01/2013 at 12:01 A.M. Standard Time at your mailing address shown above.

FORM OF BUSINESS:

☒ CORPORATION ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY ☐ INDIVIDUAL ☐ OTHER

BUSINESS DESCRIPTION: AIR COURIER SERVICES

LOCATION OF ALL PREMISES YOU OWN, RENT OR OCCUPY: ON FILE WITH COMPANY

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

POLICY PREMIUM:*

PREMIUM SHOWN IS PAYABLE:

*This policy is subject to annual audit.

Premium for Certified Acts of Terrorism Coverage Under Terrorism Risk Insurance Act 2002 as amended by the Terrorism Risk Insurance Program Reauthorization Act 2007:
\$10,800 Included In Policy Premium

SCHEDULE OF STATE TAXES, FEES AND SURCHARGES, IF APPLICABLE:**

Florida HCF***
FICA Surcharge
Kentucky
New Jersey
West Virginia

**State Taxes, Fees and Surcharges shown are in addition to the above referenced Policy Premium.

Florida HCF*** Florida Hurricane Catastrophe Fund Surcharge
Please refer to the attached Addendum for any applicable Kentucky Taxes.

ENDORSEMENTS ATTACHED TO THIS POLICY: SEE ATTACHED FORMS SCHEDULE

THESE DECLARATIONS AND THE COMMON POLICY DECLARATIONS, IF APPLICABLE, TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE FORMS, AND ENDORSEMENTS IF ANY ISSUED TO FORM A PART THEREOF COMPLETE THE ABOVE NUMBERED POLICY.

Date Issued: 08/01/2012

LIMITS OF INSURANCE		
EACH OCCURRENCE LIMIT	\$5,000,000	
DAMAGE TO PREMISES RENTED TO YOU LIMIT	\$5,000,000	Any one premise
MEDICAL EXPENSE LIMIT	\$10,000	Any one person
PERSONAL & ADVERTISING INJURY LIMIT	\$5,000,000	Any one person or organization
GENERAL AGGREGATE LIMIT	\$17,000,000	
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT	\$6,000,000	

RETROACTIVE DATE (CG 00 02 ONLY)	
THIS INSURANCE DOES NOT APPLY TO "BODILY INJURY", "PROPERTY DAMAGE" OR "PERSONAL AND ADVERTISING INJURY" WHICH OCCURS BEFORE THE RETROACTIVE DATE, IF ANY, SHOWN BELOW.	
RETROACTIVE DATE:	NONE (ENTER DATE OR "NONE" IF NO RETROACTIVE DATE APPLIES.)

CLASSIFICATION AND PREMIUM						
CLASSIFICATION	CODE NO.	PREMIUM BASE	RATE		ADVANCE PREMIUM	
			Prem/Prod/comp Ops Ops		Prem/ Ops	Prod/comp Ops
SEE COMPOSITE RATE ENDORSEMENT						
					Total: XXXXXXXXXX	

A = AREA
 C = TOTAL COST
 M = ADMISSIONS
 O = TOTAL OPERATING EXPENSES
 P = PAYROLL
 S = GROSS SALES
 T = OTHER
 U = UNITS (EACH)

IN WITNESS WHEREOF, the Insurer has caused this Policy to be signed by its President, Secretary and Authorized Representative.

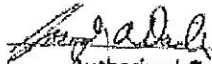


President
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA



Secretary
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

This Policy shall not be valid unless signed below at the time of issuance by an authorized representative of the insurer.



Authorized Representative

SIGNUJ

EXEL000003